



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 29, 2024
MOAHR Docket No.: 23-009618
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 24, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Amber Gibson.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On October [REDACTED] 2023, the Department received Petitioner's application for State Emergency Relief (SER) assistance. Exhibit A, p 4.
2. Petitioner provided the Department with verification that she received a bi-weekly paycheck with gross earned income of \$ [REDACTED] on September 28, 2023, and another bi-weekly paycheck with gross income of \$ [REDACTED] on October 12, 2023. Exhibit A, pp 10-11.
3. On November [REDACTED] 2023, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits as of November 1, 2023. Exhibit A, p 14.
4. On December 13, 2023, the Department received Petitioner's request for a hearing. Exhibit A, p 3.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned income. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (April 1, 2022), pp 1-17.

Petitioner applied for SER assistance on October [REDACTED] 2023, and the Department redetermined her eligibility for ongoing FAP benefits based on the information she reported with her application for assistance. Petitioner provide the Department with verification that she received two bi-weekly paychecks with gross income of \$[REDACTED] on September 28, 2023, and \$[REDACTED] on October 12, 2023.

The FAP gross monthly income limit for a household of two is \$2,137 per month and the hearing record supports a finding that Petitioner is not eligible for ongoing FAP benefits based on her income. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2023), p 1.

Petitioner argues that her earned income has not changed and questioned why she was eligible for FAP benefits based on her prior income.

No evidence of Petitioner's prior income was offered as evidence on the record. Further, Petitioner's eligibility for FAP in past months is not relevant to the issue of whether the Department properly closed Petitioner's FAP benefits as of November 1, 2023.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Petitioner's Food Assistance Program (FAP) benefits effective November 1, 2023.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS
Amber Gibson
Ingham County DHHS
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Via-First Class Mail :

Petitioner

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